

**Town Council Meeting
September 28, 2015
New Business Item**

Annexation Request: Culp Property

An ordinance annexing York County Tax Map Number 728-00-00-011

Background / Discussion

The town has received an annexation application from John Franklin Culp, for York County Tax Map Number 728-00-00-011. This parcel contains approximately 30.94 acres located at 101 Hunter Oaks Lane. A property map and description are attached for reference.

The subject property is adjacent to parcels owned by the Pulte Home Corporation, Clear Springs Land Co., and Springland Inc. The neighboring parcels are included within “Tract 4 – Springfield Tract,” of the 2008 Development Agreement between the town and Clear Springs et al. A sketch plan and preliminary plat for the 632-unit Carolina Orchards project (to be developed by Pulte Homes as an age-restricted Del Webb community) have been approved for the neighboring parcels. The Culp property is currently under contract for sale to Pulte Homes.

The subject property is currently zoned UD Urban Development per York County GIS. The county’s UD district allows for a variety of uses, including residential, commercial, manufacturing recreational and agricultural uses. Residential dwellings, including single family, multi-family, and modular homes, are permitted. Single family residential lots require a minimum of 10,000 square feet where public water and sewer are present, while townhomes require a minimum of 2,000 square feet per unit, and apartments require a minimum lot size of two acres.

The applicant has requested a zoning designation of MXU Mixed Use. The MXU district allows any mixture of permitted uses proposed by the applicant and approved by the town council. Such uses and densities must be defined and approved in project-specific development standards/conditions, or in a development agreement between the applicant and the town. Note: The proposed concept plan and development standards/conditions are included as a separate agenda item.

The minimum lot size for residential uses in the MXU district varies from 2,400 SF for residential “cottages,” to 1,100 SF per unit for townhouses, rowhouses and multi-family uses. Commercial, office, and civic uses have no minimum lot area, while industrial uses must be located on lots 20,000 SF or greater. The MXU district contains a minimum open space requirement of 20%, as well as a project edge buffer of 35’ along property lines adjacent to existing residential development.

In the concept plan and development conditions to be considered as part of the corresponding agenda item, the buyer (Pulte Homes) is proposing to incorporate the subject parcel into the larger master plan for the Carolina Orchards subdivision. The development conditions for the Culp tract would allow up to 90 additional single-family residential dwelling units (2.91 units per acre).

Recommendation

The property is contiguous to the town limits and is, therefore, eligible for annexation.

The subject property is located within an area that has been designated as “Medium-Density Residential” on the Town of Fort Mill’s Future Land Use Map, last updated in January 2013. The comprehensive plan identifies “Medium Density” as 3-5 dwelling units per acre.



The Planning Department believes that the following should warrant additional discussion or consideration:

Density / Zoning Designation

Though the proposed concept plan and development conditions contain only a single use (single-family detached residential units), the property is directly adjacent to MXU zoned parcels which are part of the larger Del Webb Carolina Orchards project (Pulte) and Springfield Town Center (Clear Springs). Though the surrounding parcels are covered by a separate development agreement, it would be logical for the Culp tract to carry the same zoning designation, and to be folded in to the larger master plan for the Carolina Orchards project.

The property could also be zoned R-5 Residential, which would similarly allow up to 3 dwelling units per acre (92 total) by right. The R-5 district is intended as a medium density zoning district, without a requirement to mix residential and non-residential uses.

Traffic Impact

Staff would recommend in favor of an update to the Carolina Orchards traffic impact analysis to determine any off-site impact above and beyond that projected for the Carolina Orchards project. The Culp property is currently accessed from Hunter Oaks Lane, a county-owned and maintained roadway. If approved, Pulte intends to access the Culp property through the neighboring Carolina Orchards development. It is anticipated that the

town, developer and York County will need to coordinate on a plan to dead-end Hunter Oaks Lane with an appropriate turnaround facility.

Utility Impact

The subject property is located in the county's service area, and would be served by the county's water and sewer system. Therefore, there would be no direct impact to the town's utility capacity.

As with all other projects, any upgrades necessary to serve the project would be borne by the applicant.

Fire Service

The subject property is located approximately 5.1 miles (ordinary driving distance) from the town's fire station on Tom Hall Street. This would be outside the ISO recommended distance of 5 miles. The town's recently adopted CIP identifies a need for a new fire station in the Springfield Parkway corridor; however, there is no immediate timeline to begin construction. The property is located approximately 1.3 miles from the Flint Hill Fire Department; however, the town would have primary fire service responsibility.

School Impact

The property is planned to contain age-restricted single-family housing, consistent with the remainder of the Carolina Orchards subdivision. While future homes will be subject to the School District's \$2,500 impact fee per residence (\$225,000 total), as well as the school district's bond millage, these additional units are expected to have no enrollment impact for the district.

Based on the future land use map and recommendations from the 2013 Comprehensive Plan update, staff believes that the zoning designation requested (and accompanying concept plan) are consistent with previously adopted plans. Therefore, staff recommends in favor of annexation with a zoning designation of either MXU or R-5, though we believe MXU would be preferable to maintain consistency with the remainder of the Carolina Orchards development.

The Planning Commission reviewed this request during its meeting on September 22, 2015. Below is an excerpt from the meeting minutes:

Planning Director Cronin stated that Pulte Home Corporation has submitted an annexation application for a 30.94 acre parcel located at 111 Hunter Oaks Lane. The parcel, which is owned by John Franklin Culp and is currently under contract for sale to Pulte, is immediately adjacent to Pulte's Carolina Orchards by Del Webb subdivision. Pulte was requesting a zoning designation of MXU Mixed Use upon annexation (consistent with the Orchards project), and a concept plan and development conditions were proposed for consideration with the next agenda item. These conditions would allow for up to 90 additional single-family lots (2.91 units per acre). Planning Director Cronin added that

while R-5 could be a viable alternative given the single use proposed by the applicant, it was staff's opinion that the MXU zoning designation could be used because the additional 30.94 acres would be an extension of an existing mixed use development. Therefore, staff recommended in favor of approval with MXU zoning. Planning Director Cronin added that the property is currently zoned UD Urban Development in the county, which could allow for higher density development, including apartments. Planning Director Cronin also noted that the homes would be age- restricted, and would have no impact to the school district. The current driving distance from the downtown fire station was measured at 5.1 miles; however, once internal access to the site is completed via Carolina Orchards Boulevard, the distance would probably be right at, or slightly below, 5 miles. Staff also noted that a cul-de-sac would likely need to be added to the existing Hunter Oaks Lane once the property is developed and internal access is provided through Carolina Orchards. Matt Levesque of ESP Associates provided additional information on behalf of the applicant.

Mr. Wolfe and Mr. Hudgins discussed whether R-5 would be preferable to MXU zoning. Planning Director Cronin responded that the R-5 district would allow more homes, by right, than what was proposed in the MXU development conditions. Chairman Traynor also added that the MXU district allows for the use of development conditions, whereas the R-5 district does not, unless a development agreement is signed between the town and the applicant.

Mr. Hudgins made a motion to recommend in favor of the annexation request with a zoning designation of MXU Mixed Use. Mr. McMullen seconded the motion. Chairman Traynor noted for the record that although his employer was under contract to sell the neighboring property to Pulte, neither he nor his employer had any interest in the property subject to the annexation request. The motion was approved by a vote of 7-0.

Joe Cronin
Planning Director
September 24, 2015

Date: August 19, 2015

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29715

Re: Request for Annexation- York County Tax Parcel Number 728-0000-011

Dear Mr. Pieper:

As the owner of the property indicated below, I/we respectfully request that the Town of Fort Mill annex the property into the Town limits. I/we also request that the property be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: **101 Hunter Oaks Lane, Fort Mill SC 29715**

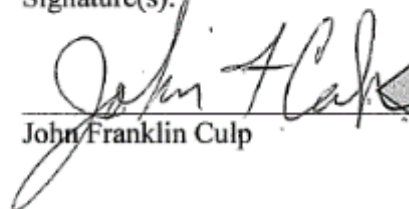
Parcel Number: **728-0000-011**

Total Acreage: **30.94 Acres**

Zoning Designation Requested: **MXU**

Property Owners: **John Franklin Culp**

Signature(s):

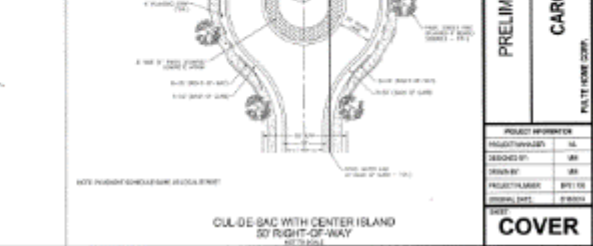
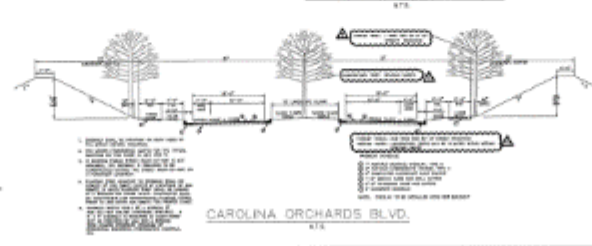
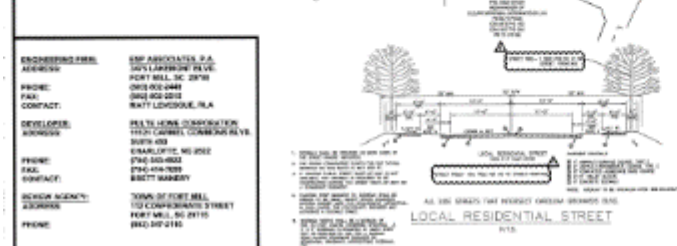
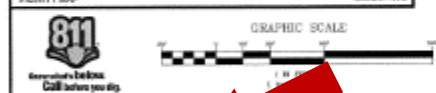

John Franklin Culp

SIGN HERE

Property Map



**LOCATED IN
FORT MILL, SOUTH CAROLINA**



Development Data:

Tax Parcels:	00311 N 1030, 102210 10222, 00312 N 1030, 102210 10224, 00313 N 1030, 102210 10221, 00314 N 1030, 102210 10223, 00315 N 1030, 102210 10225
City Area:	~1,000 +/- Acres
Location:	Town of Fort Hall, ID
Proposed Land Use:	Single-Family Detached Homes, Jewelry Cases & Churches
Zoning:	RES
LOCAL NEIGHBORHOOD LOVS:	432 Lots
Proposed Density:	2.18 DUs/Ac
Proposed (Grossed Out) Acres:	58.42 AC (20%)
Notes:	Notes: Land within the jurisdiction of the County of the June-Septeria County Council located within the Town's municipal limits was carved-out solely to satisfy up to 10% of any report limit recommended by the property owner (James "A.J." Olson, Mayor) or the Development Agreement.

MTU Lot Standards:

Arbitrage Lot Area:	2,400 S.F.
Minimum Street Frontage:	38'
Sublots:	
Front:	26'
Side:	27'
Rear:	12'
Side-Corner:	18'

Minimum Sublotting Limits: 20'

Prep. Typing Lot Standards:

60' Wide X 122' Single-Family Lot:	164 Lots
62' Wide X 123' Single-Family Lot:	151 Lots
62' Wide X 130' Single-Family Lot:	136 Lots
LOCAL NEIGHBORHOOD LOVS:	110 Lots

Proposed Uses:

A) Approved MTU Zoning (Street 4 Applications):	432 Total Units
Residential:	199 Units
Commercial:	233 Units
B) Casualty-Disaster-Prevention Plan:	902 Residential Units
C) Reentry Units (per zoning):	
Residential:	48 Units

- [illegible]

[illegible]

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

ORDINANCE NO. 2015-____
AN ORDINANCE ANNEXING YORK COUNTY
TAX MAP NUMBER 728-00-00-011

WHEREAS, a proper petition was submitted to the Fort Mill Town Council on September 9, 2015, by John Franklin Culp, (the “Property Owner”), requesting that York County Tax Map Number 728-00-00-011, such parcel being owned fully by the Property Owner, be annexed to and included within the corporate limits of the Town of Fort Mill under the provisions of S.C. Code Section 5-3-150(3); and

WHEREAS, the Planning Commission of the Town of Fort Mill, in a duly called meeting on September 33, 2015, made its recommendation in favor of annexation, and that upon annexation, the aforesaid area shall be zoned under the Town’s Zoning Code, as follows: MXU Mixed Use; and

WHEREAS, a public hearing was advertised and held at 7:00 pm on October 12, 2015, during a duly called regular meeting of the Town Council of the Town of Fort Mill; and

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina, as amended, provides that any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete; and

WHEREAS, using the definition of “contiguous” as outlined in S.C. Code Section 5-3-305, the Town Council has determined that the above referenced property is contiguous to property that was previously annexed into the corporate limits of the Town of Fort Mill; and

WHEREAS, the Town Council has determined that annexation would be in the best interest of both the property owners and the Town of Fort Mill;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Mill in Council assembled:

SECTION I. Annexation. It is hereby declared by the Town Council of the Town of Fort Mill, in Council assembled, that the incorporated limits of the Town of Fort Mill shall be extended so as to include, annex and make a part of said Town, the described area of territory above referred to, being more or less 30.94 acres, the same being fully described in Exhibit “A” attached hereto, and contiguous to land already within the Town of Fort Mill. Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

SECTION II. Zoning Classification of Annexed Property. The above-described property, upon annexation into the corporate limits of the Town of Fort Mill, shall be zoned, as follows: MXU Mixed Use.

SECTION III. Voting District. For the purpose of municipal elections, the above-described property, upon annexation into the incorporated limits of the Town of Fort Mill, shall be assigned to and made a part of Ward Two (2).

SECTION IV. Notification. Notice of the annexation of the above-described area and the inclusion thereof within the incorporated limits of the Town of Fort Mill shall forthwith be filed with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code § 5-3-90(E).

SECTION V. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section VI. Effective Date. This ordinance shall be effective from and after the date that the Property Owners transfer the above-described property to the Pulte Group through a deed recorded in the Office of the Register of Deeds, York County, South Carolina. If the property is not transferred within ninety (90) days from the date of adoption, this ordinance shall be of no force or effect.

SIGNED AND SEALED this _____ day of _____, 2015, having been duly adopted by the Town Council for the Town of Fort Mill on the _____ day of _____, 2015.

First Reading: September 28, 2015
Public Hearing: October 12, 2015
Second Reading: October 12, 2015

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

Closing Date: _____
Deed Book/Page: _____

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

EXHIBIT A

Property Description

All those certain pieces, parcels or tracts of land lying, being and situate in Fort Mill Township, County of York, State of South Carolina, containing 30.94 acres, more or less, containing all the property shown in the map attached as Exhibit B, and being more particularly described as York County Tax Map Number 728-00-00-011.

Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

EXHIBIT B

Property Map
York County Tax Map # 728-00-00-011

